

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3 BEFORE THE HONORABLE GLORIA M. NAVARRO  
4 CHIEF DISTRICT COURT JUDGE

5 UNITED STATES OF AMERICA, :  
6 Plaintiff, :  
7 vs. : No. 2:16-CR-00046-GMN-PAL-1  
8 CLIVEN D. BUNDY, :  
9 Defendant. :  
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11 TRANSCRIPT OF MOTION HEARING

12  
13 May 25, 2016

14 Las Vegas, Nevada

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18 FTR No. 7D/20160525 @ 9:39 a.m.

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25 (Proceedings recorded by electronic sound recording,  
transcript produced by mechanical stenography and computer.)

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A P P E A R A N C E S

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1 LAS VEGAS, NEVADA, MAY 25, 2016, 9:39 A.M.

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3 P R O C E E D I N G S

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5 COURTROOM ADMINISTRATOR: All rise.

6 THE COURT: Thank you. You may be seated.

7 COURTROOM ADMINISTRATOR: This is the time set  
8 for the motion hearing in Case No. 2:16-cr-46-GMN-PAL,  
9 United States of America versus Cliven Bundy.

10 Counsel, please make your appearances for the  
11 record.

12 MR. MYHRE: Good morning, Your Honor. Steve  
13 Myhre, Erin Creegan, Nadia Ahmed, and Nicholas Dickinson on  
14 behalf of the United States.

15 THE COURT: All right. Well, good morning,  
16 Mr. Myhre, Ms. Creegan, Ms. Ahmed, and Mr. Dickinson.

17 MR. HANSEN: Good morning, Your Honor. Joel  
18 Hansen for Mr. Bundy.

19 THE COURT: Good morning, Mr. Hansen. Good  
20 morning, Mr. Bundy.

21 All right. We continued the detention hearing,  
22 or the appeal of the detention hearing, from a couple of  
23 weeks ago because there was oral motion made by the  
24 defense. The Court gave the defense some time, as  
25 requested, to be able to obtain whatever evidence was

1 necessary to be able to provide a formal written motion.

2 There was a schedule that was set. The schedule  
3 was met timely. The defense did file a motion. There was  
4 a response filed, and the Court has entered an order  
5 denying that motion.

6 So at the last hearing I also went ahead and  
7 permitted everyone to argue regarding the appeal of the  
8 detention so we wouldn't have to prepare again for today.  
9 And everybody has provided the information and submitted  
10 the case.

11 So the Court has considered the parties' briefs,  
12 oral arguments, and the factors in Title 18 of the United  
13 States Code, Section 3142(g).

14 The Court also noted the original presumption  
15 was not erased when a defendant offers evidence to rebut  
16 it. The presumption does remain in the case. And it is an  
17 evidentiary finding that goes against release. But it is  
18 weighed with the other evidence factors relevant to  
19 3142(g).

20 The Court finds by a preponderance of the  
21 evidence that no conditions or combination of conditions  
22 will reasonably assure the appearance of the person as  
23 required and that there is a serious risk that the  
24 defendant will flee.

25 And further the Court finds by clear and

1 convincing evidence that no condition or combination of  
2 conditions will reasonably assure the safety of the persons  
3 or the community.

4 More specifically, as to the risk of  
5 nonappearance, the Court finds that the defendant has been  
6 alleged to defy the federal court orders for over 20 years.  
7 He abides by the law selectively, shows no remorse for his  
8 disobedience of court orders and resides in an isolated  
9 area with body guards willing to confront law enforcement.

10 His family ties and letters of support do not  
11 provide good faith assurances that he will appear for the  
12 Court and comply with Court orders and conditions.

13 He's facing four 924(c) counts which provides  
14 for a sentence of over 80 years if convicted. And he  
15 admits that he does not recognize federal jurisdiction or  
16 authority which provides a basis to believe that he would  
17 not willingly appear.

18 There's overwhelming weight of the evidence  
19 bearing on the indicia of reliability. There are photos,  
20 recordings, et cetera, that have been provided. And he has  
21 consistently failed to abide by numerous orders issued by  
22 this same particular court, the District of Nevada.

23 The defendant also does not provide a good faith  
24 assurance to the Court that future orders will be respected  
25 nor that he will comply.

1           As to the danger of the community, the defendant  
2 was alleged to have recruited gunmen to assault law  
3 enforcement, use threats of force to prevent law  
4 enforcement from enforcing court orders, was willing to  
5 cause injury or loss of life to others for its own  
6 financial benefit. He was pledged to use force and  
7 violence to prevent any future law enforcement action.

8           His family ties and letters of support do not  
9 mitigate his threat to law enforcement and anyone  
10 associated with the law enforcement.

11           And he is a leader, organizer, and primary  
12 beneficiary of the conspiracy charged in the complaint  
13 demonstrating that he will do what it takes even at the  
14 cost of substantial injury to persons in the community.

15           Accordingly, Mr. Bundy, you are hereby ordered  
16 detained pending trial. And you will be committed to the  
17 custody of the US Marshal Service for confinement in a  
18 correction facility separate to the extent practicable from  
19 persons awaiting or serving sentences with reasonable  
20 opportunity for private consultation with counsel.

21           And if you wish to appeal pursuant to Title 18  
22 of the United States Code, Section 3145(c), I'm advising  
23 you now that you have 30 days to file your appeal.

24           And if you cannot afford an attorney the Court  
25 will appoint one for you. And if you cannot afford a copy

1 of the transcript or other documents that are necessary to  
2 complete your appellate process, they will be made  
3 available to you at the government's expense.

4 So that concludes the hearing for this morning.  
5 Thank you for your patience in coming in.

6 And Court is in recess.

7 COURTROOM ADMINISTRATOR: Off record. All rise.

8 (The proceedings concluded at 9:44 a.m.)

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I certify that the foregoing is a correct  
transcript from the electronic sound recording  
of the proceedings in the above-entitled matter.



6/10/16

Donna Davidson

Date